

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MAGPUL INDUSTRIES CORP.,	:	
	:	Civil Action No.
Plaintiff,	:	
	:	
v.	:	
	:	
MISSION FIRST TACTICAL GROUP, INC. and MISSION FIRST TACTICAL, LLC,	:	COMPLAINT FOR PATENT INFRINGEMENT
	:	
Defendant(s).	:	DEMAND FOR JURY TRIAL

Plaintiff Magpul Industries Corp. (“Plaintiff” or “Magpul”) complains as follows:

NATURE OF ACTION

1. This is an action for patent infringement arising under the patent laws of the United States, Title 35, United States Code, against Defendants Mission First Tactical Group, Inc. and Mission First Tactical, LLC (collectively “Defendants” or “MFT”). Magpul alleges that MFT infringes U.S. Patent Nos. 8,839,543, 8,991,086 and 10,072,903 by making, using, offering to sell, and selling certain polymer ammunition magazines.

THE PARTIES

2. Magpul is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business at 5408 US Highway 290 West, Austin, TX 78735.

3. Magpul is a leading designer and manufacturer of high-quality consumer and military-grade products relating to firearms and firearms accessories. Magpul is an influential lifestyle brand in the firearms industry. Its products are featured in movies and on television, and they are recognized by customers around the world. Among other things, Magpul is world renowned for its innovative design for its patented PMAG® polymer ammunition magazine.

4. Upon information and belief, Defendants are related companies, which are both organized under the laws of the Commonwealth of Pennsylvania, with their principal place of business at 945 Horsham Road, Horsham, PA 19044.

JURISDICTION AND VENUE

5. This action arises under the patent laws of the United States, Title 35, United States Code. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

6. This Court has personal jurisdiction over MFT because MFT resides in this District, and the acts of infringement have been committed within this District.

7. Venue is proper in this judicial district under 28 U.S.C. § 1400(b) because MFT has a regular and established place of business in this District and has committed acts of infringement within this District.

PATENTS-IN-SUIT

8. Magpul is the owner by assignment of U.S. Patent No. 8,839,543 (the “543 Patent”) entitled Ammunition Magazine, issued on September 23, 2014.

9. Magpul is also the owner by assignment of U.S. Patent No. 8,991,086 (the “086 Patent”) entitled Ammunition Magazine, issued on March 31, 2015.

10. Magpul is also the owner by assignment of U.S. Patent No. 10,072,903 (the “903 Patent”) entitled Ammunition Magazine, issued on September 11, 2018.

11. Copies of the ’543 Patent, the ’086 Patent, and the ’796 Patent are attached as Exhibits A, B and C, respectively.

FIRST CLAIM FOR RELIEF

(INFRINGEMENT OF U.S. PATENT NO. 8,839,543)

12. Plaintiff incorporates by reference and realleges each of the allegations set forth above.

13. MFT, without authority, has made, used, sold, and offered to sell, and continues to make, use, sell, and offer to sell, polymer ammunition magazines that infringe on one or more of the '543 Patent's claims including, but not limited to, MFT's 30rd 5.56x45mm polymer magazines in all colors and outside casing designs, including opaque black, transparent (a clear plastic), translucent yellow, red, blue, "smoke" and "Scorched Dark Earth" and magazines with printed graphic designs (aka the "EXD Graphic Mag"). This includes magazines with and without a bullet window and magazines with internal limiters that limit the magazine's capacity to 10, 15, or 20 rounds. And it includes the "Redfield 5.56 20-Round Magazine."¹ On information and belief, the infringing "Redfield" magazine is also manufactured by MFT.

14. MFT infringes on Magpul's exclusive patent rights because these magazines use the patented interior magazine architecture that is described and claimed by the '543 Patent, including a magazine casing with a constant internal curve, two internal guide rails, and a follower with two tines, wherein at least one of the tines interfaces with the guide rails.

SECOND CLAIM FOR RELIEF

(INFRINGEMENT OF U.S. PATENT NO. 8,991,086)

15. Magpul incorporates by reference and realleges each of the allegations set forth in paragraphs 1-11 above.

16. MFT, without authority, has made, used, sold, and offered to sell, and continues to make, use, sell, and offer to sell, polymer ammunition magazines that infringe on one or more of the '086 Patent's claims including, but not limited to, MFT's 30rd 5.56x45mm polymer magazines

¹ See <https://www.academy.com/p/redfield-5.56-20-round-magazine>.

in all colors and outside casing designs, including opaque black, transparent (a clear plastic), translucent yellow, red, blue, “smoke” and “Scorched Dark Earth” and magazines with printed graphic designs (aka the “EXD Graphic Mag”). This includes such magazines with and without a bullet window and with internal limiters that limit the magazine’s capacity to 10, 15, or 20 rounds. And this includes the Redfield 5.56 20-Round Magazine. On information and belief, the infringing “Redfield” magazine is also manufactured by MFT.

17. MFT infringes on Magpul’s exclusive patent rights because these magazines use the patented interior magazine architecture that is described and claimed by the ’086 Patent, including a magazine casing with two internal guide rails, a stop tab, and a follower platform with two tines, wherein magazine’s two guide rails interface with and guide the follower as it moves upward within the casing.

THIRD CLAIM FOR RELIEF

(INFRINGEMENT OF U.S. PATENT NO. 10,072,903)

1. Magpul incorporates by reference and realleges each of the allegations set forth in paragraphs 1-11 above.

2. MFT has, without authority, made, used, sold, and offered to sell, and continues to make, use, sell, and offer to sell, lower capacity polymer ammunition magazines that infringe on one or more of the ’903 Patent’s claims including, but not limited to (1) 10rd and 20rd 7.62x51mm NATO/.308 WIN polymer magazines in all colors and outside casing designs, including black, “Scorched Dark Earth” and tan, (2) 10rd 5.56x45mm/.223 REM/.300 AAC polymer ammunition magazines in black and “Scorched Dark Earth,” and (3) the Redfield 5.56 20-Round Magazine.

3. MFT infringes on Magpul’s exclusive patent rights because these magazines use the patented interior magazine architecture that is described and claimed by the ’903 Patent, including a magazine casing with internal guide rails, a stop tab, and a follower platform with two tines and a detent.

PRAYER FOR RELIEF

Therefore, Plaintiff prays for judgment:

1. That MFT has infringed the '543, '086 and '903 Patents;
2. That Plaintiff be awarded damages from patent infringement according to proof and ordering that such damages be multiplied up to treble their amount or, at a minimum, no less than a reasonable royalty;
3. Preliminarily and permanently enjoining MFT and all others acting in concert with MFT from making, using, selling, or offering to sell infringing ammunition magazines without permission or license from Plaintiff;
4. That MFT be ordered to deliver up to Plaintiff all ammunition magazines infringing the '543, '086 and '903 Patents that are within its ownership, possession, or control for destruction by Plaintiff;
5. That the Court declare this to be an exceptional case pursuant to 35 U.S.C. §285, and award reasonable attorney's fees;
6. That Plaintiff be awarded its costs of suit, and pre- and post-judgment interest on any money judgment; and
7. For such other relief as the Court deems just and proper.



Dated: October 18, 2024

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JURY DEMAND

Magpul demands a jury trial on all claims as to which it has a right to a jury.

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